IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1899.

Original No. .

EX PARTE: IN THE MATTER OF RAMON BAEZ,
PETITIONER.

Transcript of Record.

On Petition for Habeas Corpus and Certiorari to Samuel C. Bothwell and the United States Provisional Court, Department of Puerto Rico.

In the United States Provisional Court for the Department of Puerto Rico.

UNITED STATES OF AMERICA, *Department of Puerto Rico,* } *To wit:*

Be it remembered that J. M. Keedy, United States attorney for the provisional court for the department aforesaid, who for said court in this behalf prosecutes in his own proper person, cometh into the said provisional court at San Juan, in the department aforesaid, and giveth the said court here to be informed and understand that Ramon Baez on the 31st day of October, A. D. 1899, at Guayama, in the department aforesaid, at a meeting of the inhabitants of

said Guayama and said municipal district, at the public election of one alcalde, one municipal judge, one suplente municipal judge, five school trustees, and twelve councilmen in Guayama aforesaid, then and there duly held, well knowing himself not to be a qualified voter, did fraudulently vote and did willfully give in a vote for the officers aforesaid, being the officers to be chosen, contrary to the law in such cases made and provided and against the peace, government, and dignity of the same.

Wherefore the said United States attorney prays the due process of this court against the said Ramon Baez, and that he may be held to answer the United States in the premises.

J. M. KEEDY,
U. S. Attorney.

UNITED STATES OF AMERICA, *Department of Puerto Rico,* } *ss:*

I, J. M. Keedy, U. S. attorney, do solemnly swear that the allegations of the foregoing information *is* based upon the testimony of witnesses duly sworn before me, and that I verily believe that the facts therein alleged, if true, constitute the crime therein charged.

——.

Subscribed and sworn to before me this 10th day of November, 1899.

ROBERT ALEXANDER,
Clerk U. S. Provisional Court.

In the United States Provisional Court for the Department of Puerto Rico.

UNITED STATES OF AMERICA, *Department of Puerto Rico,* } *To wit:*

Be it remembered that J. M. Keedy, United States attorney for the provisional court for the department aforesaid, who for said court in this behalf prosecutes in his own proper person, cometh into the said provisional court at San Juan, in the department aforesaid, and giveth the said court here to be informed and understand that on the 31st day of October, A. D. 1899, at Guayama, in the department

aforesaid, at a meeting of the inhabitants of said Guayama and said municipal district, a public election was [legally and duly held]* held.

That at said public election, as aforesaid, the name of Ramon Baez appeared upon the list of qualified voters, and that said name was transferred to said list of qualified voters from the records of tax-payers and property-owners of said municipality, whereon it had been illegally and fraudulently placed; that said Ramon Baez well knew that he was not a legal and *bona fide* tax-payer or owner of property, qualified thereby to vote at said election, and that he had no other qualification to entitle him to cast a vote at the election aforesaid.

The United States attorney further gives the said court to be informed and understand that, notwithstanding the premises, the said —— ——, well knowing himself not to be an owner of property upon which taxes are assessable, and well knowing that his name should not appear or be recorded as a tax-payer on said records of the municipality as such tax-payer, and well knowing that his name should not appear on the voting lists of said municipality aforesaid, and that he was not qualified to vote at said election, falsely, fraudulently, and wilfully voted and gave in a vote at the election aforesaid for the officers to be chosen aforesaid, well knowing the same to be a false and fraudulent vote, contrary to the law in such cases made and provided and against the peace, government, and dignity of the same.

Wherefore the said United States attorney prays the due process of this court may issue against the said Ramon Baez, and that he may be held to answer the United States in the premises.

J. M. KEEDY,
U. S. Attorney.

UNITED STATES OF AMERICA, } *ss:*
Department of Puerto Rico, }

I, J. M. Keedy, U. S. attorney, do solemnly swear that the allegations of the foregoing information are based upon the testimony of witnesses duly sworn before me, and that I

* Stricken out on motion of district attorney, December 7, 1899.

verily believe that the facts therein alleged, if true, constitute the crime therein charged.

——— ———.

Subscribed and sworn to before me this 4th day of December, 1899.

ROBERT ALEXANDER,
Capt. 14th Infantry, Clerk of Court,
By P. DE CASTRO,
Deputy Clerk.

In the United States Provisional Court, Department of Puerto Rico.

SAN JUAN, P. R., *November 11th*, 1899.

The court met, pursuant to adjournment, at 9 a. m.

Present: Hon. N. B. K. Pettingill, law judge; Major E. D. Dimmick, ass't judge; Major E. D. Thomas, ass't judge; Hon. J. M. Keedy, U. S. dist. attorney; Captain Robert Alexander, 14th infantry, clerk U. S. provisional court; Samuel C. Bothwell, U. S. marshal.

Court Record, page 159.

THE UNITED STATES *vs.* RAMON BAEZ. } Criminal Trial No. 58. Information for Fraudulent Voting.

Now comes J. M. Keedy, U. S. district attorney, and presents to the court the aforementioned information.

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The court then, at 10.40 a. m., adjourned until 5 p. m. this date.

SAN JUAN, P. R., *December 1st*, 1899.

At the indicated hour (2 p. m.) the court reassembled.

Present: All the officers of the court.

* * * * * * *

The court then promulgated the following order:

It appearing from the records of this court that a large number of criminal cases involving illegal voting at the

recent municipal election of Guayama are pending in this court, and that both convenience and economy require that they be tried at Guayama:

It is hereby ordered that this court convene in special term, at the city of Guayama, on the 4th day of December, at ten o'clock a. m., for the trial of the causes aforesaid and for the transaction of such other business as may properly come before it.

It is further ordered that the cases upon the dockets of the district of San Juan as criminal trials, numbered from 58 to 143, inclusive, be, and the same are hereby, transferred to the docket of the said special term hereby convened by the court in open court this 1st day of December, 1899.

(Signed) N. B. K. PETTINGILL.

The court then adjourned at 3 p. m. to meet again at 10 o'clock a. m., December 15th, 1899.

GUAYAMA, PUERTO RICO, *December 4th*, 1899.

The court met in special session, as provided for by the order heretofore issued, at San Juan, at 10 o'clock a. m.

Present: All the officers of the court.

Court Record, page 200.

THE UNITED STATES *vs.* RAMON BAEZ. } Criminal Trial, No. 58.

Now comes J. M. Keedy, U. S. district attorney, and presents to the court amended information in the above-entitled cause.

GUAYAMA, P. R., *December 7th*, 1899.

The court reassembled at the indicated hour (2 p. m.).

Present: All the officers of the court.

THE UNITED STATES *vs.* RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the accused is brought to the bar, and the district attorney asks permission to amend the

amended information heretofore filed in this behalf by striking from the first clause thereof the words "legally and duly;" which permission is granted by the court.

Whereupon the accused, by his counsel, F. H. Dexter, presents to the court a motion to quash the amended information heretofore presented, as aforesaid, which *are* in words and figures as follows:

In the United States Provisional Court for the Department of Puerto Rico, Sitting at Guayama.

THE UNITED STATES
vs.
RAMON BAEZ. } Motion to Quash Information.

The above-named defendant moves this court to quash the second amended information filed herein for the following reasons, to wit:

First. Because the proceedings heretofore had are irregular and void.

Second. Because no indictment or presentment has been returned — the grand jury against this defendant, as required both *of* the common law and the laws of the United States.

RAMON BAEZ, *Defendant*,
By his counsel, F. H. DEXTER.

Motion overruled.
Guayama, Dec. 4, 1899.
N. B. K. PETTINGILL,
Law Judge.

Whereupon the court, after due consideration, overrules said motion; to which ruling the accused, by his counsel, notes objection.

Whereupon the accused, by his counsel, F. H. Dexter, presents to the court a demurrer to the amended information heretofore filed, as aforesaid, which *are* in words and figures as follows:

In the United States Provisional Court for the Department of Puerto Rico, Sitting at Guayama.

THE UNITED STATES *vs.* RAMON BAEZ. } Demurrer to Information.

The above-named defendant, Ramon Baez, demurs to the second amended information filed against him for the following reasons, to wit:

First. That it does not set out an offense under the laws of the United States or for the department of Puerto Rico cognizable by this court.

RAMON BAEZ, *Defendant.*
By his att'y, F. H. DEXTER.

Foregoing demurrer is overruled. Guayama, Dec. 7, 1899.

N. B. K. PETTINGILL,
Law Judge.

Whereupon the court, after due consideration, overrules said demurrer; to which ruling the accused, by his counsel, notes objection.

Whereupon the accused is duly arraigned upon said amended information, pleading thereto "Not guilty."

Now comes the accused in the above-entitled cause and presents to the court a request that he be tried by a jury, which asking being denied by the court, the accused, by his counsel aforesaid, notes an exception to said ruling.

Whereupon the court proceeds with the trial of said cause, hearing the testimony of the following witnesses, they being first duly sworn according to law and placed under the rule, viz:

For the prosecution: Julio Brenes, Guillermo Alvarez, Luis Texidor, Domingo Gallart, Vicente Belgodere, Francisco Menard, and Felix Maas.

The court then, at 5.30 p. m., adjourned to meet again tomorrow morning, the 8th inst., at 9 a. m.

GUAYAMA, P. R., *December 8th*, 1899.

The court met, pursuant to —, at 9 a. m.
Present: All the officers of the court.

THE UNITED STATES
vs.
RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the accused is brought to the bar and the court continues the trial thereof, hearing the testimony of the following-named witnesses, they being first duly sworn according to law and placed under the rule, viz:
For the prosecution: Antonio Grace, Vicente Belgodere, Teodosio Vigoreux, Enrique Gonzalez.

The court then at 11.30 a. m. adjourned until 2 p. m. this day.

GUAYAMA, PUERTO RICO, *December 8th*, 1899.

At the indicated hour (2 p. m.) the court reassembled.
Present: All the officers of the court.

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Court Record, page 211.

THE UNITED STATES
vs.
RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the accused is brought to the bar and the court proceeds with the trial of said cause, hearing the evidence of the following-named witnesses, they being first duly sworn and placed under the rule, as aforesaid, viz:
For the prosecution: Jules Brenes, Fernando Lugo Viña, Luis Coy.
Whereupon the court rests.
Now comes the accused, and, by his counsel, moves the court to dismiss the amended information heretofore presented in his behalf.
Whereupon the court takes said motion under advisement and at 4.45 p. m. adjourns to meet again at 9 a. m., tomorrow, the 9th inst.

Court Record, page 212.

GUAYAMA, PUERTO RICO, *December 9th*, 1899.

The court met, pursuant to adjournment, at 9 a. m.
Present: All the officers of the court.

THE UNITED STATES
vs.
RAMON BAEZ. } Criminal Trial No. 58.

Now comes the district attorney, asking permission to reopen the prosecution for the purpose of introducing additional evidence, which asking is granted with the stipulation that said evidence be not cumulative.

Whereupon, the accused being brought to the bar, the court proceeds with the trial of said cause, hearing the testimony of the following-named witnesses, they being first duly sworn and placed under the rule as aforesaid, viz:

For the prosecution: Rafael Capo, Nicolas Alonso, Teodosio Vigorreaux.

Whereupon the prosecution rests.

Whereupon the court, announcing its decision upon the motion to dismiss heretofore presented on behalf of the defendant, overrules said motion.

Now comes the defendant and, by his counsel, presents an application for a continuance of the trial of said cause and other causes of like nature now pending before this court, alleging reasons therefor.

Whereupon the court, after argument and due consideration, dismiss- said application and directs the defendant to proceed with the presentation of his case.

Whereupon the following-named witnesses *are* heard for the defense, said witnesses being first duly sworn and placed under the rule, viz: Dr. Tomas Vasquez.

The court then at 11.30 a. m. adjourned to meet again at 2 p. m. this day.

Court Record, page 213.

GUAYAMA, PUERTO RICO, *December 9th*, 1899.

At the indicated hour (2 p. m.) the court reassembled. Present: All the officers of the court.

THE UNITED STATES
vs.
RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the accused is brought to the bar, and the court continues the trial of said cause, hearing the testimony of the following-named witnesses, they being duly sworn and placed under the rule as aforesaid, viz:

For the defense, Jose Gual; Ramon Baez, the defendant; Dr. Jose Diaz, Celistino Dominguez.

Whereupon the defense rests, and the court takes the case under advisement until the hour of 5 p. m. this date, at which hour the court reassembled and the accused is brought to the bar.

Whereupon the court, announcing its decision, find the accused guilty as charged in the information, and does sentence him, Ramon Baez, to be confined for the period of two months.

Now comes the said Ramon Baez and by his counsel, F. H. Dexter, presents motions in arrest of judgment and for a new trial, which are in words and figures as follows:

In the United States Provisional Court for the Department of Puerto Rico, Sitting at Guayama.

UNITED STATES
vs.
RAMON BAEZ. } Motion to Arrest.

Now comes the defendant above and moves the court to arrest entry of judgment and sentence herein for these reasons:

First. That the defendant was illegally arrested and tried without a jury.

Second. That the information is fatally defective, in that

it does not set out or allege an offence cognizable by this court.

Third. Because the record is defective and fails to show a compliance with the law.

F. H. DEXTER,
Att'y for Def't.

Whereupon the court, after due consideration, overruled said motion; to which ruling the accused, by his counsel, notes exception.

The court then, at 5.25 p. m., adjourned to meet again on Monday next, the 11th inst., at 9 a. m.

GUAYAMA, P. R., *December* 11, 1899.

The court met, pursuant to adjournment, at 9 a. m.
Present: All the officers of the court.

THE UNITED STATES *vs.* RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the accused is brought to the bar, and the court mitigates the sentence heretofore pronounced against him, the said Ramon Baez, by remitting the imprisonment to thirty days at hard labor.

Whereupon F. H. Dexter, counsel for all the above-named accused, moves the court for a stay of execution to make application to the United States Supreme Court to review the judgment in said causes, which are in words and figures as follows:

In the United States Provisional Court for the Department of Puerto Rico.

THE UNITED STATES *vs.* RAMON BAEZ. } Application for Stay of Execution.

Now comes Ramon Baez and moves the court for a stay of execution herein for the reason that he desires to make application to the Supreme Court of the United States for a

writ of — or other suitable process to review the judgment herein.

F. H. DEXTER,
Att'y for the Def't.

Whereupon said motion was granted in accordance with the provisions or paragraph 11 G. O., No. 88, C. S., upon defendant Tomas Vasquez giving bond in the penal sum of twenty-five hundred dollars and all other defendants in the penal sum of three hundred dollars with proper conditions.

The court then adjourned the special term at Guayama *sine die.*

SAN JUAN, P. R., *January 17th*, 1900.

At the indicated hour (2 p. m.) the court reassembled.

Major E. D. Dimmick still absent on account of sickness, all the other officers of the court being present.

THE UNITED STATES
vs.
RAMON BAEZ. } Cr. Tr., Information for.

In the above-entitled cause the court hears argument upon the motion heretofore presented therein in arrest of judgment and for a new trial.

Whereupon the court postpones further hearing in this behalf until Friday next, the 19th inst.

SAN JUAN, P. R., *January 22nd*, 1900.

The court met, pursuant to adjournment, at 10.30 a. m.

Present: All the officers of the court.

THE UNITED STATES
vs.
RAMON BAEZ. } Criminal Trial No. 58.

In the above-entitled cause the court denies the motion in arrest of judgment and for a new trial heretofore submitted in said cause.

United States Provisional Court, Sitting in Chambers.

SAN JUAN, P. R., *Feb'y 23rd*, 1900.

UNITED STATES *vs.* RAMON BAEZ. } Criminal Trial No. 58.

Defendants in above-entitled cause are allowed until March 16th, 1900, to file application for continuance in Supreme Court.

(Signed) N. B. K. PETTINGILL,
Law Judge.

In the United States Provisional Court for the Department of Puerto Pico, Sitting at Guayama.

THE UNITED STATES *vs.* RAMON BAEZ. } Cr'l T'ls No. 58.

Counsel for defence requests that a jury be empannelled to try this case.

Denied. Exception.

In the Provisional Court of the United States for the Department of Puerto Rico.

UNITED STATES *vs.* RAMON BAEZ.

I hereby certify that the foregoing is a true and correct copy and transcript of the record of this court in the case of The United States *vs.* Ramon Baez, as the same appears of record in my office.

[Seal of United States Provisional Court, Puerto Rico, 1899.]

(Signed) ROBERT ALEXANDER,
Clerk of the U. S. Provisional Court for the Department of Puerto Rico;
By B. W. BATES, *Deputy Clerk.*

Attest: N. B. K. PETTINGILL,
Presiding Judge of said Court.

[Two one-dollar internal-revenue stamps cancelled.]